IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 19.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.258 of 2006

G.Moorthy ... Petitioner

Vs.

1.The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 9.

2.The Commissioner of Police,
Greater Chennai,
Chennai-600 008. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the entire records pertaining to the impugned detention order vide Memo No.543/BDFGISV/05 dated 12.12.2005 passed by the second respondent, quash the same as illegal and consequently direct the second respondent to produce the detenu Moorthy now lodged in Central Prison, Chennai before this Court and set him at liberty.

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner by name Moorthy, who was detained as a "Goonda" as contemplated under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 12.12.2005, challenges the same in this Petition.

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2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

3. At the foremost, the learned counsel appearing for the petitioner submitted that the order passed by the Government approving the detention has not been communicated to the detenu. The learned Additional Public Prosecutor has produced the file, which shows that the detention order was approved by the Government on 23.12.2005 and the same was communicated to the detenu on 28.12.2005. The records also show that the detenu has acknowledged the receipt of the approval order. Accordingly, we reject the said contention.

4. The learned counsel appearing for the petitioner further submitted that the documents cited, particularly, pages 55, 61 and 63 of the booklet supplied to the detenu are not legible and readable. Accordingly, the detenu was prevented from making effective representation. In the light of the said representation, we verified those pages. All the three documents are Form-95 and the verification of those documents shows that they are legible and readable. Accordingly, we reject the second contention also.

5. Except the above contentions, no other contention was raised before us. In such circumstances, we do not find any ground for interference. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To
1.The Secretary to Government of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The Commissioner of Police, Greater Chennai, Chennai-600 008.

3.The Superintendent, Central Prison, Chennai.
(In duplicate for communication to the petitioner)

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4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

+ 1 CC To Mr. M.Vijayakumar, Advocate SR NO. 26099

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